

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

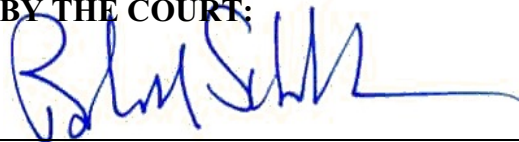
PAUL J. FEKETE	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
NATIONAL RAILROAD PASSENGER	:	
CORP. a/k/a AMTRAK and	:	
ROB'S TOWING & HAULING, INC.	:	No. 11-6570
Defendants.	:	

ORDER

AND NOW, this 16th day of **November, 2011**, upon consideration of Defendant Rob's Towing & Hauling, Inc.'s Motion Pursuant to Federal Rule of Civil Procedure 12(b)(6), Plaintiff's response thereto, Amtrak's response thereto, Rob's Towing & Hauling, Inc.'s reply thereon, and for the reasons stated in the Court's Memorandum dated November 16, 2011, it is hereby **ORDERED** that:

1. The motion to dismiss (Document No. 3) is **GRANTED**.
2. Plaintiff is granted leave to file an Amended Complaint on or before December 6, 2011.
3. Plaintiff's Motion to Strike Certain Affirmative Defenses (Document No. 7) is **DENIED**.

BY THE COURT;



Berle M. Schiller, J.